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UNITED STATES PATENT AND TRADEMARK OFFICE



Robert A. Katz  
1456 Northridge Drive  
Longwood FL 32750

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Commissioner for Patents

United States Patent and Trademark Office  
P.O. Box 1450  
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PETITIONS ACCOUNTING  
DIVISION

2011 APR - 7 PM 4:10

DATE PRINTED

08/09/10

## NOTICE OF PATENT EXPIRATION

According to the records of the U.S. Patent and Trademark Office (USPTO), payment of the maintenance fee for the patent(s) listed below has not been received timely prior to the end of the six-month grace period in accordance with 37 CFR 1.362(e). THE PATENT(S) LISTED BELOW HAS THEREFORE EXPIRED AS OF THE END OF THE GRACE PERIOD. 35 U.S.C. 41(b). Notice of the expiration will be published in the USPTO Official Gazette.

Expired patents may be reinstated in accordance with 37 CFR 1.378 if upon petition, the maintenance fee and the surcharge set forth in 37 CFR 1.20(i) are paid, AND the delay in payment of the maintenance fee is shown to the satisfaction of the Director to have been unavoidable or unintentional. 35 U.S.C. 41(c)(1).

If the Director accepts payment of the maintenance fee and surcharge upon petition under 37 CFR 1.378, the patent shall be considered as not having expired but would be subject to the intervening rights and conditions set forth in 35 U.S.C. 41(c)(2).

For instructions on filing a petition under 37 CFR 1.378 to reinstate an expired patent, customers should call the Office of Petitions Help Desk at 571-272-3282 or refer to the USPTO Web site at [www.uspto.gov/web/offices/pac/dapp/petitionspractice.html](http://www.uspto.gov/web/offices/pac/dapp/petitionspractice.html). The USPTO also permits reinstatement under 37 CFR 1.378(c) by electronic petition (e-petition) using EFS-Web; e-petitions may be automatically granted if all the eligibility requirements are met. For further information on filing an e-petition, please call the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 571-272-4100 or refer to the EBC's e-petition guide at [www.uspto.gov/ebc/portal/efs/petition\\_quickstart.pdf](http://www.uspto.gov/ebc/portal/efs/petition_quickstart.pdf).

U.S. PATENT NUMBER	APPLICATION NUMBER	PATENT ISSUE DATE	APPLICATION FILING DATE	EXPIRATION DATE	ATTORNEY DOCKET NUMBER
<u>7076071</u>	<u>09877158</u>	07/11/06	06/08/01	07/11/10	

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NOTE: This notice was automatically generated based on the amount of time that elapsed since the date a patent was granted. It is possible that the patent term may have ended or been shortened due to a terminal disclaimer that was filed in the application. Also, for any patent that issued from an application filed on or after June 8, 1995 containing a specific reference to an earlier filed application or applications under 35 U.S.C. 120, 121, or 365(c), the patent term ends 20 years from the date on which the earliest such application was filed, unless the term was adjusted or extended under 35 U.S.C. 154 or 156.



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DEC 08 2010

OFFICE OF PETITIONS

ROBERT A KATZ  
1456 NORTHRIDGE DRIVE  
LONGWOOD FL 32750

In re Patent No. 7,076,071  
Issue Date: July 11, 2006  
Application No. 09/877,158  
Filed: June 8, 2001  
Patentee: Robert Katz

DECISION ON PETITION

\$ 1840.00  
\$ 190.00  
65.00  
1640.00  
-65.00  
\$ 1575.00

This is a decision on the "PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))", filed September 13, 2010.

The petition under 37 CFR 1.378(c) is **DISMISSED**.

The above-identified patent issued July 11, 2006. Accordingly, the first maintenance fee could have been paid during the period from July 11, 2009 through January 11, 2010 without surcharge, or with a surcharge of \$65 during the period from January 12, 2010 through July 11, 2010. The patent expired on July 12, 2010.

37 CFR 1.378(c) provides that:

Any petition to accept an unintentionally delayed payment of a maintenance fee must include:

- (1) The required maintenance fee set forth in 37 CFR 1.20(e) through (g);
- (2) The surcharge set forth in 37 CFR 1.20(i)(1) (**currently \$1640**); and

(3) A statement that the delay in payment of the maintenance fee was unintentional.

Here, petitioner has not submitted the \$1640 surcharge. On renewed petition, petitioner must submit the \$1640 surcharge.

Telephone inquiries specific to this decision may be directed to the undersigned at (571)272-3207.

*Cliff Congo*

Cliff Congo  
Petitions Attorney  
Office of Petitions

Enc: PTO/SB/66 (3 pages)